

REMARKS/ARGUMENTS

Claims 1-13 are pending in the matter of the present application, and the Examiner rejected Claims 1-13 in an Office Action having a mailing date of April 6, 2006. This Amendment and Response forms the Applicant's reply to the Office Action.

In the Office Action, the Examiner commented that the Abstract of the present application contained legal phraseology. The Applicant has amended the Abstract to replace what the Applicant believes to be the objectionable wording.

The Examiner has rejected Claims 5-7, 6 and 9 under 35 U.S.C. §112, second paragraph, as containing terms lacking antecedent basis. The Applicant has amended the identified claims and others, and therefore requests the Examiner to withdraw the 35 U.S.C. §112 rejection of the claims.

In the above-referenced Office Action, the Examiner also rejected Claims 1-13 as under 35 U.S.C. §103(a) as being unpatentable over European Patent 270,702 in view of German Patent No. 3,535,361. To establish a prima facie case of obviousness under 35 U.S.C. §103(a), the Examiner must show that 1) the references teach all of the elements of the claimed invention, 2) the references contain some teaching, suggestion or motivation to combine the references, and 3) the references suggest a reasonable expectation of success. See MPEP §2142. See also In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); In re Kotzab, 217 F.3d 1365, 55 USPQ2d 1313 (Fed. Cir. 2000).

To address the Examiner's 35 U.S.C. §103(a) rejection of Claim 1, the Applicant has amended Claim 1 to distinguish over the prior art by amending the wording of the claim to state

that the upper member is “configured as a bow-like bridge element with a bar-like central part and with downwardly projecting cuneiform ends that wrap over both ends of the bar-like lower member by the cuneiform ends from above . . .” In addition, Claim 1 has also been amended to state that the “supporting surfaces are provided between the upper member and the lower member in the area between the cuneiform ends at at least one of the bar-like central part of the upper member and the bar-like lower member . . .” Support for the amendments is provided in the specification at page 6 in the second full paragraph. The Applicant believes that such configuration is not disclosed in the cited prior art.

With regard to the amendments to Claim 1 and its dependent Claims 2-13, the Examiner’s attention is directed to the specification of the current application at page 10, paragraph 2, and further to Fig. 17 that shows a supporting surface (42) that is formed by a shoulder (34) of the upper member. (It is noted that other embodiments disclosed in the present application also feature this structure, although the structure may be positioned differently than that shown in Fig. 17.) For the embodiments illustrated in Fig. 17, the upper member has a shoulder on the left side of the bolt so that there is a free gap on the right side of the bolt. A supporting surface is the contacting surface between the upper member and the lower member on the left side of the bolt due to the shoulder, thus leaving a gap on the right side of the bolt. Such configuration is not disclosed in the cited prior art. The gap forms a clamping gap such that if the bolt is screwed into the nut, there is a clamping effect due to the gap, which allows a safety lock for the bolt/nut connection, and also brings a safe clamping action of the chain between the upper member and the lower member. The safety effect is advantageous because of the changing

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loads and stresses for the pusher during operational conditions. Further support for this argument is provided in last paragraph of page 2 of the specification of the present application.

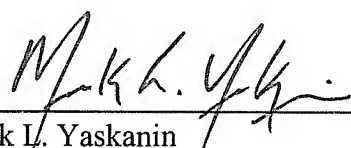
In view of the amendments to the claims and the foregoing remarks, the Examiner is respectfully requested to withdraw the rejection of Claim 1. In addition, if an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). See MPEP §2143.03. Accordingly, the Examiner is further requested to withdraw the rejection of dependent Claims 2-13.

Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

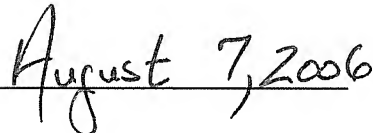
Respectfully submitted,

SHERIDAN ROSS P.C.

By: _____


Mark L. Yaskanin
Registration No. 45,246
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
(303) 863-9700

Date: _____


August 7, 2006

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